

ILLINOIS POLLUTION CONTROL BOARD
May 10, 1972

ENVIRONMENTAL PROTECTION AGENCY)
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)
 v.) PCB 72-46
)
)
 WILLIAM EARL YOUNG)

Opinion of the Board (By Mr. Aldrich)

Mauricio Dominguez for the Environmental Protection Agency
Douglas A. Ingold for William Earl Young

The Environmental Protection Agency filed a complaint against William Earl Young alleging violations of the Rules and Regulations for Refuse Disposal Sites and Facilities and of the Environmental Protection Act. The Agency alleged the following specific violations: 1) Failure to register his landfill with the Department of Public Health (Rule 1.01 or the Rules); 2) Operating without a permit (Sec. 21 of the Act); and on 19 dates from March 25, 1971 to January 14, 1972, 3) Open dumping of refuse (Rule 5.05); 4) Failure to provide proper equipment (Rule 5.05); 5) Failure to properly spread and compact (Rule 5.06); and 6) Failure to provide proper cover (Rule 5.07a)).

A public hearing was held on April 3, 1972. The parties stipulated as to allegations 1, 2, 3, 5, and 6. Allegation number 4 was not mentioned in the hearing record.

Mr. Young owns land near Carbondale, Illinois. He testified that there were many abandoned mines in the area which constituted a safety hazard to children. Mines on other properties have been filled in previous years. Mr. Young indicated that it was not his intention to operate an open dump. It is not available for public dumping. Two contractors were disposing of refuse from the demolition of homes and removals of walks and driveways. The Agency confirmed that no organic refuse was detected. Respondent maintained that he felt the filling of abandoned mine shafts with demolition refuse was a dual service to the community--removing a safety hazard and providing a needed place to dispose of refuse. The Jackson County Public Health Administrator confirmed the need for such a dumping site. The record is very brief but the need for continued dumping in compliance with applicable rules after a permit is obtained is uncontested.

Respondent is a disabled veteran with no regular employment. His income is from a disability pension plus a small amount from the deposition of waste materials on his property which according to the record is about \$20 per house.

The Agency recommends a cease and desist order until a proper permit is obtained and a penalty of \$200 for past violations. We concur with the suggestion for a cease and desist order but do not feel that a penalty is appropriate.

ORDER

William Earl Young shall cease and desist from accepting the dumping of refuse on his property until he has obtained a proper permit from the Environmental Protection Agency.

I, Christian L. Moffett, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion and Order this 16th day of May, 1972, by a vote of 5 to 0.

Christian L. Moffett